PROFESSIONAL CONDUCT ADVISORY: THE DUTY TO REPORT

By the Honourable Bruce Preston, Commissioner for Teacher Regulation

There have been a number of disciplinary situations that have arisen because of apparent confusion with respect to the duty of a teacher to report danger to children.

The duty to report is created in a number of ways

- Section 38 of the Teachers Act imposes a duty on individual teachers to report conduct by another teacher who causes physical, sexual or significant emotional harm to a student.
- A general duty is placed on everyone (by sections 13 and 14 of the Child, Family and Community Service Act) who has reason to believe that a child is in need of protection to report under that act.

School protocols place teachers under an obligation to report any danger to a child. One issue that has arisen in discipline proceedings involving teachers’ failure to report is whether or not there is an ethical duty to consult with the colleague involved before making a report about him or her either under a statute or following school protocols. The answer is “no.”

The obligation imposed by section 5 of the BC Teachers’ Federation Code of Ethics makes it clear that legal requirements or official protocols in reporting child protection issues take precedence over the requirements of the Code of Ethics.

Reporting requirements under section 38 of the Teachers Act or under section 13 and 14 of the Child, Family and Community Service Act are rooted in child protection. Failure to report when required under the Teachers Act can result in disciplinary action. Under the Child, Family and Community Service Act, a failure to report when required to do so is an offence.

Schools will have their own protocols for reporting in these circumstances, which usually involve a teacher reporting his or her concerns to the school principal, in addition to reporting directly to the appropriate authority.

Protecting the safety of students is a prominent part of a teacher’s professional duties. When you become aware of circumstances that trigger a duty to report, do so immediately. Do not stop to investigate – make the report. Your duty to report is direct. You cannot delegate your responsibility to report. Your duty only ends when you have reported all of the relevant information to the appropriate authority.

Knowledge that a child is in danger places strict reporting duties on teachers. You should know your obligations and how you would go about fulfilling them should the need arise. Because of the nature of your jobs as teachers, you are on the front lines when it comes to child safety.